

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1 and 3-6 are pending. Claims 1 and 3-5 are amended. Claim 6 is newly added. Claim 2 was canceled previously. Support for the amendment to Claim 1 can be found in Fig. 1 and in the published application in numbered paragraph [0045], for example. Support for the amendments to Claims 3-5 is self-evident. Support for newly added Claim 6 can be found in Fig. 1, for example. No new matter is added.

In the outstanding Office Action, the title was objected to as not descriptive. Claims 1-5 were rejected under 35 U.S.C. § 103(a) as obvious over Terauchi (U.S. Patent No. 4,477,238, herein "Terauchi") in view of Nieter et al. (U.S. Patent No. 5,256,044, herein "Nieter").

Regarding the objection to the title, the title was amended in the previous response, which was indicated in the Advisory Action dated December 20, 2007, as entered. Accordingly, Applicants respectfully submit that the objection to the title was overcome in the previous response.

Regarding the rejection of Claims 1-5 as obvious over Terauchi in view of Nieter, that rejection is respectfully traversed by the present response.

As Claim 2 was canceled in the previous response, Applicants respectfully submit that the rejection of Claim 2 is negated.

Regarding the rejection of Claim 1, amended independent Claim 1 recites, in part:

a first scroll including a first spiral wall standing on an inner side face of a first end plate, and said first scroll supported so as to float freely with respect to a frame secured to a housing;

a second scroll configured to orbit the first scroll and including a second spiral wall standing on an inner side face of a second end plate, and supported so as to be orbitally movable

around an axis while being prevented from rotating, with the first and second spiral walls engaged with each other, and an elastic body, disposed external to the first scroll and external to the second scroll, pressing at least one of the first scroll and the second scroll against the other scroll in a direction parallel to the axis, wherein a back pressure chamber is provided on an outer side face of the first or second end plate, and one scroll is pressed against the other scroll by introducing fluid which is compressed by the first scroll and the second scroll into the back pressure chamber;

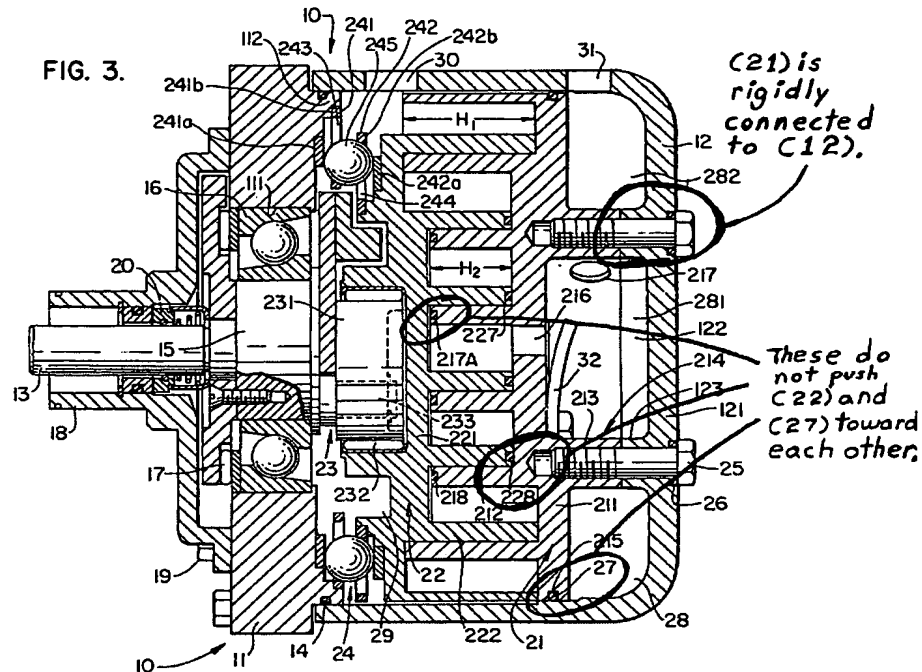
Accordingly, the elastic body is disposed external to the first scroll and external to the second scroll. The elastic body presses one of the first and second scrolls into the other in a direction parallel to the axis around which the second scroll orbits.

The outstanding Office Action relies on the sealing member (27) of Terauchi for the feature of an elastic body, and the Advisory Action points to the sealing member (27), sealing member (217A), and end groove (228) of Terauchi for the feature of an elastic body.¹

However, Applicants respectfully submit that the sealing member (27) pushes radially outward from the fixed scroll (21) toward the cup-shaped casing (12). The sealing member (217A) pushes the orbiting scroll (22) **away from** the fixed scroll (21). Similarly, the member disposed within the end groove (228) pushes the orbiting scroll (22) away from the fixed scroll (21).

The annotated copy of Terauchi's Fig. 3 provided below makes the direction in which the sealing members push clear.

¹ Outstanding Office Action, page 3; Advisory Action, page 2.



Applicants respectfully submit that, as shown above in annotated Fig. 3, none of the components (27), (217A), and (228) is disposed external to the first scroll and external to the second scroll and presses one of the first and second scrolls against the other scroll in a direction parallel to the axis. Rather, none of the components cited in the outstanding Office Action and Advisory Action press one of the first scroll and second scroll against each other, much less in a direction parallel to the axis around which one of the scrolls orbits as recited in amended independent Claim 1. Accordingly, Applicants respectfully submit that amended independent Claim 1 patentably distinguishes over any proper combination of Terauchi and Nieter for at least reasons discussed above.

Additionally, amended independent Claim 1, recites that the scroll around which another scroll orbits is supported so as to float freely with respect to a frame. The outstanding Office Action relies on the fixed scroll (21) and the orbiting scroll (22) for the scrolls recited in independent Claim 1. However, Applicants respectfully submit that neither the fixed scroll (21) nor the orbiting scroll (22) **floats freely with respect to a frame secured to a housing**. As shown in annotated Fig. 3 above, the fixed scroll (21) is rigidly

mounted to the cup-shaped casing (12). Accordingly, Terauchi does not disclose that this scroll floats freely as recited in amended independent Claim 1.

Nieter fails to remedy the deficiencies discussed above regarding Terauchi. Rather, Nieter does not teach or suggest the above-noted elastic member, much less that the elastic member is disposed external to first and second scrolls and presses one scroll against another in a direction parallel to an axis around which one of the scrolls orbits. Nor does Nieter teach or suggest that the first scroll, around which the second scroll orbits, is supported so as to float freely with respect to a frame secured to a housing.

Accordingly, Applicants respectfully submit that no proper combination of Terauchi and Nieter would include all of the features recited in amended independent Claim 1 or Claims 3-5 depending therefrom.

Newly added dependent Claim 6 depends from amended independent Claim 1 and patentably distinguishes over any proper combination of the cited references for at least the same reasons as amended independent Claim 1 does.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance for Claims 1 and 3-6 is earnestly solicited.

Application No. 10/049,903
Reply to Office Action of August 23, 2007 and
Advisory Action dated December 20, 2007

Should Examiner Trieu deem that any further action is necessary to place this application in even better form for allowance, she is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

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A handwritten signature in dark ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

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